

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- September 14, 1966

Appeal No. 8922 Protestants and Other Americans United, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried, with Mr. William F. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- May 12, 1967

ORDERED:

That the appeal for permission to erect SP office building for non-profit organization with roof structures in accordance with the provisions of Section 3308 and for variance from the requirements of Section 7515.1 to allow arcade above sidewalk level at the northwest corner of 17th Street and Rhode Island Avenue, NW., lots 37 and 800, square 159, be granted.

FINDINGS OF FACT:

- (1) Appellant's property is located in an SP District.
- (2) Counsel at the public hearing indicated that the Board had held that the subject organization is a non-profit organization under the laws of the District of Columbia. The charter has not been amended since the previous hearing.
- (3) The Board adopted the ruling of the previous Board action as to the non-profit status of the organization.
- (4) The records of the Board show that in Appeal 2771, permission to establish a non-profit organization at 1633 Massachusetts Avenue, NW., lot 138, square 181, was granted July 19, 1950. In Appeal No. 4809, permission was given to extend the non-profit organization to the basement of the above cited building. The case was heard on June 26, 1957 and granted on July 1, 1957.
- (5) The area of the subject property is 5,755.71 square feet. It is proposed to erect an eight (8) story office building on the site.

(6) The gross floor area of the proposed building will be 33,686 square feet with a roof structure to house mechanical equipment, stairway, and elevator. The roof structure will have an area of 1,766 square feet.

(7) Appellant proposes to have an arcade around the sides of the building facing 17th Street and Rhode Island Avenue. The arcade will be above the street level, approximately three (3) feet. It is proposed to have a ramp to the basement parking area which will enter the site from the highest side of the site. In order to meet the requirement for a 12% minimum ramp grade, the first floor of the building had to be raised to an elevation above the sidewalk grades on the street sides of the building, therefore, raising the open arcade above sidewalk level.

(8) An SP office building may normally have a total FAR of 5.75 including 5.5 FAR for the basic building and 0.25 for the roof structure. The proposed building in this case has a total of 5.83 including 5.53 for the basic building which includes the arcade and 0.30 for the roof structure. The total excess building including the arcade is 0.08 FAR or about 460 square feet over what is normally permitted. The arcade includes over 1,000 square feet. The requested variance for the arcade would make the total FAR of the building less than the permitted FAR.

(9) The building will be of gray limestone, dark green marble, bronze windows with gray glass, and copper coping brick to match the limestone.

(10) The proposed roof structure will be gray limestone, copper upper roof, and brick to match the limestone.

(11) The arcade and abutting terrace will be treated with grey limestone, dark green marble, and bronze window frames with clear glass.

(12) This appeal was filed and heard under plan by Keyes, Lethridge and Condon, architects, approved for roof structure as shown on Drawings No. 1-8 by Mr. Arthur P. Davis, member of the Board, on September 22, 1966.

(13) The Department of Highways and Traffic offers no objection to the granting of this appeal "provided vehicles using the parking garage do not block the alley to other traffic. This east-west alley located along the north side of the proposed building will remain one-way for eastbound traffic.

"It is noted that the arcade is proposed to be about 5 feet above the sidewalk level and set back about 25 feet behind the sidewalk. Under the circumstances, it does not appear that it will fulfill the intended pedestrian function for such arcades * * *.

"It should be understood that our approval * * * does not include approval of the proposed driveway in the alley, or the establishment of planting areas in public space."

(14) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

The Board is of the opinion that the granting of this appeal is in harmony with the intent and purpose of the Zoning Regulations and will not adversely affect surrounding property. We are also of the opinion that appellants have shown a hardship within the meaning of the Zoning Regulations sufficient to permit the requested excess in roof structure FAR and the requested variance from the arcade requirements of the regulations. We believe that the relief can be granted without substantial detriment to the public good and without impairing the purposes and integrity of the zone plan as embodied in the Zoning Regulations and Map.